

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DAVID EARL MAYBERRY,	)	
	)	
Petitioner	)	
	)	
vs.	)	No. CIV-05-1346-C
	)	
JOSEPH SCIBANA, Warden,	)	
	)	
Respondent	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on December 27, 2005. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and the petition for writ of habeas corpus is dismissed without prejudice. A judgment will enter.

IT IS SO ORDERED this 31st day of January, 2006.

  
ROBIN J. CAUTHRON  
United States District Judge